

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

CARLOS A. WARE,

Petitioner,

V.

JIMMY KILGORE,

Respondent.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No.: 1:19-cv-02052-LSC-HNJ

MEMORANDUM OPINION

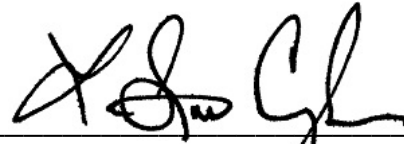
Petitioner Carlos A. Ware filed *pro se* this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, on or about December 18, 2019. (Doc. 1). The petitioner claims his arrest violated the Fourth Amendment. (*Id.*, at 7-8). On May 7, 2020, the magistrate judge to whom the case was referred entered a report and recommendation, pursuant to 28 U.S.C. § 636(b), that the habeas petition be dismissed without prejudice based on the petitioner's failure to exhaust his state law remedies. (Doc. 12). Although the petitioner was notified of his right to file objections to the report and recommendation within fourteen (14) days, no objections to the report and recommendation have been filed with the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's Report and Recommendation, the court is of the opinion that the magistrate judge's findings are due to be and are hereby

ADOPTED and his recommendation is **ACCEPTED**. Accordingly, the petition for writ of habeas corpus is due to be **DISMISSED WITHOUT PREJUDICE** to allow the petitioner to exhaust his available state court remedies.

A separate Final Order will be entered.

DONE AND ORDERED ON JUNE 4, 2020.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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